

EXHIBIT D

From: [Beth Wilkins](#)
To: [Shortnacy, Michael \(SHB\)](#); [Gromada, Veronica G. \(SHB\)](#)
Cc: [Roopal Luhana](#); [Sarah London](#); [Haider, Jay B. \(SHB\)](#); [Wikler, Jeremy \(SHB\)](#); [Schoultz, Shannon M. \(SHB\)](#); [Priest Johnson, Kimberly \(SHB\)](#); [Oot, Patrick L. \(SHB\)](#); [Brian Abramson](#); [Andrew Kaufman](#); [Layne Hilton](#); [Tiffany Ellis](#); [JoAnna Pollock](#); [Steven Cohn](#)
Subject: RE: Uber MDL - Discovery Set Two M&C
Date: Thursday, April 3, 2025 5:07:00 PM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

Michael and team,

Thank you for your email below and for our conferral earlier today. To memorialize what we discussed today:

- 1. 30(b)(6) deposition of person most knowledgeable regarding Uber’s extraction and production of safety data (per ECF 2647):** The Court ordered Uber to produce a 30(b)(6) witness for deposition not to exceed 4 hours on the topic of Uber’s extraction and production of safety data. We understand that Uber is proposing Katy McDonald to address this topic during the time previously scheduled for her deposition on April 15 and 16 (your email below indicates April 14 and 15, which appears to be a typo). Plaintiffs do not object to deposing Ms. McDonald on this topic. However, April 15 and 16 are held for Ms. McDonald’s deposition in her individual capacity and JCCP’s PMK deposition and at least two full days will be needed for those. We have conferred with JCCP counsel and they will need their full time for their PMKs. Can you please provide additional time that week for this deposition?
- 2. Uber’s categorization of incidents in its taxonomy and how that categorization is reflected in the data:** The Court ordered the parties to file a joint letter or stipulation on April 4 as to what further steps are appropriate on these issues. We are in agreement that Uber will produce Ms. McDonald for a 30(b)(6) deposition on this topic and will provide, prior to the deposition, the number of Sexual Violence Incidents (as defined by Uber’s U.S. Safety Reports) that Uber categorized into each of the 21 categories in Uber’s Sexual Misconduct and Sexual Violence Taxonomy (as defined by the Safety Reports) or categorized as “Insufficient Information” or “Parent Category Usage Tracking,” for each month from 2017-2022. Plaintiffs agree that this will resolve these issues, but the parties will need to discuss the amount of time Ms. McDonald will be produced on these topics, the date she will be produced, and the timing of Uber’s production of the numbers before the deposition. Plaintiffs foresee needing 4 hours on these topics and suggest combining this with the deposition on extraction and production of safety data, and request the production of these numbers 7 days prior to the deposition or by April 14 (whichever is earlier). Additionally, we need Uber’s confirmation that Uber will not take the position that this deposition counts towards the soft cap of 45 depositions. An agreement on this issue will resolve Interrogatories 1 through 6 of Plaintiffs’ Second Set of

Interrogatories.

3. Plaintiffs' second set of interrogatories:

- a. Topics 1-6: an agreement under paragraph 2 above will resolve these issues and Plaintiffs agree to withdraw these requests upon an agreement.
- b. Topics 7-8: Plaintiffs understand that Uber objects to these interrogatories on the basis that the information is not available. Plaintiffs will agree to withdraw these requests if Uber agrees to respond to Requests for Admission indicating that [REDACTED]
[REDACTED]
[REDACTED] that the number of Sexual Violence Incidents reported to Uber in 2023 was higher than the number of Sexual Violence Incidents reported to Uber in 2022, and that the number of Sexual Violence Incidents reported to Uber in 2023 was higher than the number of Sexual Violence Incidents reported to Uber in 2022, and that the number of Sexual Violence Incidents reported to Uber in 2024 was higher than the number of Sexual Violence Incidents reported to Uber in 2023.
- c. Topics 9-12 and Topics 24-27: Plaintiffs are willing to convert these to requests attached to 30b6 notice(s) if Uber agrees to produce the requested information 7 days prior to the corresponding deposition or by April 14 (whichever is earlier).
- d. Topics 13-15 and 19-21: Plaintiffs are willing to withdraw these requests if agreement is reached on all other requests and Uber agrees to produce the de-hashed uuid's ordered by ECF No. 2647 on or before April 7.
- e. Topics 16 and 29: Plaintiffs are willing to modify these requests to seek a list of all driver uuids for drivers who are subject of reports produced in the BDO-related productions who were either deactivated, blacklisted, banned, or otherwise permanently restricted from using Uber, along with the date of deactivation/blacklisting/ban/restriction and the type of restriction (if there are different types) would resolve these requests. Additionally, Plaintiffs are willing to convert these requests to requests attached to 30b6 notice(s) if Uber agrees to produce the requested information 7 days prior to the corresponding deposition or by April 14 (whichever is earlier).
- f. Topics 17 and 18: Plaintiffs are willing to modify these requests to seek a list of driver uuids for drivers, who are subject of reports produced in the BDO-related productions, who Uber reported to ridesharing peers through the ISSP program would resolve these requests. Note that the parties are currently negotiating similar information for bellwether cases and this agreement would not resolve Plaintiffs' request that Uber provide this information for bellwether cases. Additionally, Plaintiffs are willing to convert these requests to requests attached to 30b6 notice(s) if Uber agrees to produce the requested information 7 days prior to the corresponding deposition or by April 14 (whichever is earlier).

- g. Topics 22 and 23: Plaintiffs understand that Uber may be willing to respond to these requests and are open to hearing Uber's proposal and working with Uber to redefine these requests based on how Uber stored this information. Additionally, Plaintiffs are willing to convert these requests to requests attached to 30b6 notice(s) if Uber agrees to produce the requested information 7 days prior to the corresponding deposition.
- h. Topic 28: Plaintiffs are willing to limit this request to the trips that are subject of reports produced in the BDO-related productions. Additionally, Plaintiffs are willing to convert this request to a request attached to a 30b6 notice if Uber agrees to produce the requested information 7 days prior to the corresponding deposition or by April 14 (whichever is earlier).

-

We are available to further discuss these matters tomorrow (Friday) between 9 am CT and 3 pm CT.

Thank you,
Beth

Beth Wilkins | Partner

E: Wilkins@chaffinluhana.com

P: [\(412\) 643-0290](tel:(412)643-0290)

Serving clients nationwide with offices in CT, NY, PA, and WV.

ChaffinLuhana.com



ChaffinLuhana.com

ChaffinLuhanaFoundation.org



Mailing Address:

Chaffin Luhana LLP 615 Iron City Drive, Pittsburgh, PA, 15205

A referral is the best compliment. If you know anyone who needs our help, please have them call us. We're available 24/7.

CONFIDENTIALITY NOTE: This E-mail message contains information belonging to Chaffin Luhana LLP and may be privileged, confidential and/or protected from disclosure. The information is intended only for the use of the individual or entity named above. If you think that you have received this message in error, please E-mail the sender. If you are not the intended recipient, please delete the message and understand that any dissemination, distribution or copying is strictly prohibited.

From: Shortnacy, Michael (SHB) <mshortnacy@shb.com>

Sent: Thursday, April 3, 2025 12:50 AM

To: Beth Wilkins <Wilkins@chaffinluhana.com>; Gromada, Veronica G. (SHB) <vgromada@shb.com>; Layne Hilton <lhilton@meyerwilson.com>; Tiffany Ellis <tellis@peifferwolf.com>

Cc: Roopal Luhana <Luhana@chaffinluhana.com>; Sarah London <slondon@girardsharp.com>; Haider, Jay B. (SHB) <jhaider@shb.com>; Wikler, Jeremy (SHB) <JWIKLER@shb.com>; Schoultz, Shannon M. (SHB) <sschoultz@shb.com>; Priest Johnson, Kimberly (SHB) <kpj@shb.com>; Oot, Patrick L. (SHB) <OOT@shb.com>

Subject: RE: Uber MDL - Discovery Set Two M&C

Beth, Tiffany and team,

Thank you for the conferral today. We write to follow up our discussion, including Plaintiffs' written discovery, Set Two, which consists of 80 requests for production and 29 interrogatories served on February 26, 2025. To date, Uber has made over 200 document productions, totaling over ~1.25 million documents.

As we expressed to you in prior conferrals, and to the Court in the last CMC, Defendants have serious concerns that Plaintiffs' Set Two Requests / Rogs are untimely, overly broad, cumulative, and duplicative of prior discovery. Further, the requests exceed the limits on the number of interrogatories Plaintiffs are permitted to serve under Federal Rules of Civil Procedure 33(a)(1). Moreover, Plaintiffs did not seek leave to serve these additional requests as required by local rules.

Nevertheless, in the spirit of compromise, and in an effort to conserve judicial resources and the resources of the parties, Defendants have continued to meet and confer with Plaintiffs, most recently 3/31 through today (4/2) in an attempt to resolve several pending discovery disputes and align on a pragmatic path forward. Specifically, as part of those efforts, today Defendants made an offer of compromise in order to resolve several related discovery disputes. Plaintiffs' asked to see Defendants' offer in writing. This offer follows. If Defendants' offer is not acceptable to Plaintiffs, Defendants invite Plaintiffs to respond with a counterproposal.

Defendants' Proposal

Defendants propose the following Agreement to fully and finally resolve all issues between the Parties related to the following disputes:

- Plaintiffs' Requests for Production and Interrogatories (Set Two), including obviating the need for a Protective Order or any future Motion to Compel. Defendants will provide the information set forth below to resolve all issues in lieu of Responses and Objections to Plaintiffs' RFPs and Interrogatories.
- Judge Cisneros's Order regarding a deposition in connection with the data exports provided to BDO.
- The April 4 joint filing regarding Uber's categorization of incidents in its taxonomy and how that categorization is reflected in the data per ECF 2647.

Without conceding that any of the discovery set forth below is permissible under Rule 26(b)

(1). 33(a)(1), or any other applicable Rule. Defendants would agree to produce the following regarding Plaintiffs' Requests for Production (Set Two), in exchange for Plaintiffs withdrawing their remaining discovery requests:

- RFPs 3, 4, 13, 14, 15, 16 (Policy Requests): Defendants will search for and produce responsive, non-privilege, documents pursuant to ECF 2607.
 - During the conferral today, you asked about whether Defendants would consider the following as part of the compromise. In an effort to resolve these matters, Defendants would be willing to the extent Plaintiffs seek policies for which they do not have hyperlinks, to agree that Plaintiffs can provide reasonably specific descriptions of the anticipated policy, and the Parties will meet-and-confer in good faith if any questions arise as to the policy or Knowledge Base sought. These document productions will be part of Plaintiffs' weekly allotment of 50 policy or Knowledge Base documents pursuant to ECF 2607.
- RFPs 23 and 26 (Driver Marketing and Communications):
 - Analogous to the Court's' marketing order (ECF 2320) regarding production of comms logs for named Defendants, Defendants will not object to requests for production of comms logs for bellwethers as part of bellwether discovery.

Interrogatories

- ROGs 1-6 (Taxonomy / Safety Report - Data and Stats).
 - Defendants would agree to provide numbers in response to the PMK or a 30(b)(6) deposition notice as to categories of safety data identified in Rogs 1-6.
- ROGs 19, 20, 21 (UUID Requests):
 - Defendants would agree to forgo appellate options regarding Judge Cisneros's Order regarding removal of UUID hashing, which moots these ROGs.

Depositions

- Plaintiffs agree to participate in the PMK deposition noticed for Katy McDonald on April 14 and 15, 2025, which will include the following topics, which will serve as both the deposition ordered by Judge Cisneros following the CMC, and the deposition that Judge Cisneros ordered the Parties to confer on and provide a stipulation or competing proposals regarding categorization. For the avoidance of doubt, Ms. MacDonald would be prepared to answer questions as to responses to the numbers provided in response to the categories identified in Rogs 1-6.
 - Defendants' extraction and production of safety data (PMK Topic 8)

Other Requests (Rogs and RFPs)

Defendants agree to entertain limited requests posed by Plaintiffs by April 10 for discrete sets of documents and information originally sought by Plaintiffs in these discovery requests.

Next Steps

As discussed, Defendants are open to a counterproposal by Plaintiffs. However, it is our understanding that despite Defendants providing examples of documents and information already produced that are responsive to specific requests, Plaintiffs seek Defendants' position on each request. We believe, again for the sake of compromise and finality, that there may be a middle ground here – and are working to provide your side with categorical responses that will provide clarity on Defendants' position as to each of the Set Two discovery.

We look forward to discussing this further with you tomorrow. Again, we believe the Court expects the parties to reach some common ground, and certainly expects that we do everything we can to meet the June deadline. We are trying to work with you pragmatically to achieve these ends, and hope that we can avoid unnecessary motion practice tying up the Court's time. We look forward to working with you to forge a practical path forward.

Thank you,

Michael

Michael B. Shortnacy

Partner

Shook, Hardy & Bacon L.L.P.

2121 Avenue of the Stars, Suite 1400

Los Angeles, CA 90067

T: 424-324-3494 | mshortnacy@shb.com



From: Beth Wilkins <Wilkins@chaffinluhana.com>

Sent: Wednesday, April 2, 2025 1:06 PM

To: Gromada, Veronica G. (SHB) <vgromada@shb.com>; Layne Hilton <lhilton@meyerwilson.com>; Tiffany Ellis <tellis@peifferwolf.com>

Cc: Roopal Luhana <Luhana@chaffinluhana.com>; Sarah London <slondon@girardsharp.com>; Haider, Jay B. (SHB) <jhaider@shb.com>; Wikler, Jeremy (SHB) <JWIKLER@shb.com>; Shortnacy, Michael (SHB) <mshortnacy@shb.com>; Schoultz, Shannon M. (SHB) <sschoultz@shb.com>; Priest Johnson, Kimberly (SHB) <kpj@shb.com>

Subject: RE: Uber MDL - Discovery Set Two M&C

EXTERNAL

Here is a link to the call that was set up for the safety data discussion. We assumed you would not want to combine these because you were clear on Monday that your team wanted to address these matters separately. Regardless, if you all want to get started now rather than at 3:30, we can do that.

Topic: Uber- Call re: safety data

Time: Apr 2, 2025 03:30 PM Central Time (US and Canada)

Join Zoom Meeting

<https://us06web.zoom.us/j/88006894765?pwd=xtDm8p4q4a4betjEg0Tuz5rmz5dm2Z.1>

Meeting ID: 880 0689 4765

Passcode: 157603

One tap mobile

+13126266799,,88006894765#,,, *157603# US (Chicago)

+13092053325,,88006894765#,,, *157603# US

Dial by your location

- +1 312 626 6799 US (Chicago)
- +1 309 205 3325 US
- +1 646 931 3860 US
- +1 301 715 8592 US (Washington DC)
- +1 305 224 1968 US
- +1 646 558 8656 US (New York)
- +1 346 248 7799 US (Houston)
- +1 360 209 5623 US
- +1 386 347 5053 US
- +1 507 473 4847 US
- +1 564 217 2000 US
- +1 669 444 9171 US
- +1 689 278 1000 US
- +1 719 359 4580 US
- +1 720 707 2699 US (Denver)
- +1 253 205 0468 US
- +1 253 215 8782 US (Tacoma)

Meeting ID: 880 0689 4765

Passcode: 157603

Find your local number: <https://us06web.zoom.us/j/kJmOn8eKZ>

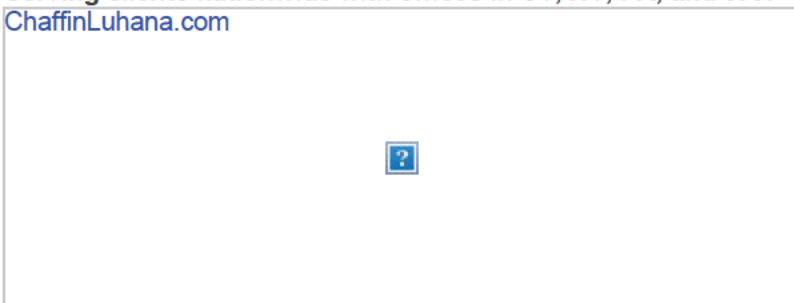
Beth Wilkins | Partner

E: Wilkins@chaffinluhana.com

P: [\(412\) 643-0290](tel:(412)643-0290)

Serving clients nationwide with offices in CT, NY, PA, and WV.

ChaffinLuhana.com



ChaffinLuhana.com

ChaffinLuhanaFoundation.org



Mailing Address:

Chaffin Luhana LLP 615 Iron City Drive, Pittsburgh, PA, 15205

A referral is the best compliment. If you know anyone who needs our help, please have them call us. We're available 24/7.

CONFIDENTIALITY NOTE: This E-mail message contains information belonging to Chaffin Luhana LLP and may be privileged, confidential and/or protected from disclosure. The information is intended only for the use of the individual or entity named above. If you think that you have received this message in error, please E-mail the sender. If you are not the intended recipient, please delete the message and understand that any dissemination, distribution or copying is strictly prohibited.

From: Gromada, Veronica G. (SHB) <vgromada@shb.com>

Sent: Wednesday, April 2, 2025 3:02 PM

To: Layne Hilton <lhilton@meyerwilson.com>; Tiffany Ellis <tellis@peifferwolf.com>

Cc: Roopal Luhana <Luhana@chaffinluhana.com>; Sarah London <slondon@girardsharp.com>; Beth Wilkins <Wilkins@chaffinluhana.com>; Haider, Jay B. (SHB) <jhaider@shb.com>; Wikler, Jeremy (SHB) <JWIKLER@shb.com>; Shortnacy, Michael (SHB) <mshortnacy@shb.com>; Schoultz, Shannon M. (SHB) <sschoultz@shb.com>; Priest Johnson, Kimberly (SHB) <kpj@shb.com>

Subject: RE: Uber MDL - Discovery Set Two M&C

All,

Excuse the delayed response. Please note since there is another meet and confer with some of the same individuals at 1:30 p.m. PT/3:30 p.m. CT, we will be joining that call.

Thanks.

From: Layne Hilton <lhilton@meyerwilson.com>

Sent: Wednesday, April 2, 2025 12:12 PM

To: Gromada, Veronica G. (SHB) <vgromada@shb.com>; Tiffany Ellis <tellis@peifferwolf.com>

Cc: Roopal Luhana <Luhana@chaffinluhana.com>; Sarah London <slondon@girardsharp.com>; Beth Wilkins <Wilkins@chaffinluhana.com>; Haider, Jay B. (SHB) <jhaider@shb.com>; Wikler, Jeremy (SHB) <JWIKLER@shb.com>; Shortnacy, Michael (SHB) <mshortnacy@shb.com>; Schoultz, Shannon M. (SHB) <sschoultz@shb.com>; Priest Johnson, Kimberly (SHB) <kpj@shb.com>

Subject: Re: Uber MDL - Discovery Set Two M&C

EXTERNAL

Hi Veronica:

We are available at 3pmCT for an additional meet and confer.

As far as compromise positions go, Plaintiffs will need to see Uber's position in order to assess where we have agreement or disagreement.

Would you mind circulating a calendar invite?

Thanks,

Layne

Layne C. Hilton, Esq. | Attorney

PHONE 866.827.6537 | **DIRECT** 614.255.2697

EMAIL lhilton@meyerwilson.com

From: Gromada, Veronica G. (SHB) <vgromada@shb.com>

Sent: Wednesday, April 2, 2025 11:44 AM

To: Layne Hilton <lhilton@meyerwilson.com>; Tiffany Ellis <tellis@peifferwolf.com>

Cc: Roopal Luhana <Luhana@chaffinluhana.com>; Sarah London <slondon@girardsharp.com>; Beth Wilkins <Wilkins@chaffinluhana.com>; Haider, Jay B. (SHB) <jhaider@shb.com>; Wikler, Jeremy (SHB) <JWIKLER@shb.com>; Shortnacy, Michael (SHB) <mshortnacy@shb.com>; Schoultz, Shannon M. (SHB) <sschoultz@shb.com>; Priest Johnson, Kimberly (SHB) <kpj@shb.com>

Subject: Uber MDL - Discovery Set Two M&C

Layne and Tiffany,

I am starting a new email thread. There was an issue with the last thread that kept shutting down Outlook when I tried to respond.

Are Plaintiffs available at 3 p.m. CT or later? In the meantime, we will be sending a follow up conferral email that includes an offer of compromise. As requested, will Plaintiffs to do the same? And as also discussed, for discovery requests that are duplicative or cumulative, can Plaintiffs identify specific discovery requests for which they believe Defendants have not produced responsive documents?

Thanks.

Veronica G. Gromada

Partner

Shook, Hardy & Bacon L.L.P.

713-546-5683 | vgromada@shb.com



CONFIDENTIALITY NOTICE: This e-mail message including attachments, if any, is intended for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. Thank you.